

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Docket No. MC99-3

Periodicals Classification Change, 1999

**BRIEF OF
ALLIANCE OF NONPROFIT MAILERS**

The Alliance of Nonprofit Mailers ("ANM") respectfully submits its initial brief in this case. ANM asks the Commission to recommend the classification change proposed by the Postal Service.

ANM remains concerned that the proposed classification change does not provide a permanent and complete solution to the rate anomaly identified by the Postal Service in this docket. Such a solution would require a rate structure that preserves the statutory rate preference established by Congress for nonprofit and other preferred mail vis-à-vis commercial mail. Allowing nonprofit mailers to pay rates no *higher* than commercial rates does not achieve the legislative policy of maintaining *lower* rates for nonprofit mailers. A permanent and complete solution, however, is beyond the scope of this classification proceeding, and in any event would require a more extensive record than is possible on short notice. Because the perfect should not be the enemy of the good, *Schwabacher v. United States*, 334 U.S. 182, 193 (1948), ANM supports the temporary fix proposed by the Postal Service in this docket. We trust that the Postal Service will devote sufficient resources to rooting out the underlying anomalies in the cost data before the next rate case.

Likewise, whether to accommodate the nonprofit community's desire for refunds of higher rates paid before the effective date of the proposed classification change is a management decision beyond the Commission's jurisdiction. Accordingly, ANM urges the

Governors of the Postal Service to authorize such refunds on their own initiative. As noted by AMMA, the amounts at stake are small as a percentage of the Service's overall revenue, but large in their impact on many nonprofit mailers.

Respectfully submitted,



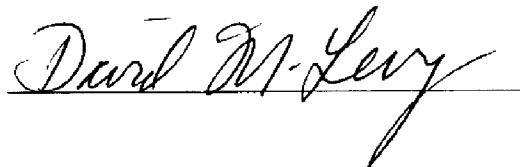
David M. Levy
SIDLEY & AUSTIN
1722 Eye Street, N.W.
Washington, DC 20006-3704
(202) 736-8214

Counsel for Alliance of Nonprofit Mailers

May 24, 1999

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document on all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.



May 24, 1999